



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN 17 2003

James Bopp, Jr., Esq.
Bopp, Coleson & Bostrom
1 South 6th Street
Terre Haute, Indiana 47807-3510

RE: MUR 4953
Mr. Bob Mills

Dear Mr. Bopp:

On December 15, 1999, the Federal Election Commission notified your client, Mr. Bob Mills, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On June 10, 2003, the Commission found, on the basis of the information in the complaint, and information provided by your client, that there is no reason to believe that Mr. Mills violated the Act. Accordingly, the Commission closed its file in this matter as it pertains to Mr. Mills. The Commission will notify you when the entire file has been closed, at which time you will be sent a copy of the dispositive General Counsel's Report.


Although the Commission found no reason to believe that Mr. Mills violated the Act, Mr. Mills is considered a witness in this matter. In order to carry out its statutory duty of enforcing the Act, the Commission has issued the attached Subpoena to Produce Documents and Order to Submit Written Answers to Mr. Mills. The Subpoena and Order requires your client to provide certain information in connection with an investigation it is conducting. Mr. Mills is required to submit the information within 30 days of receiving this Subpoena and Order. All answers to questions must be submitted under oath.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

If you have any questions, please contact Marianne Abely, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence H. Norton
General Counsel

By: 
Rhonda J. Vosdingh
Associate General Counsel
for Enforcement

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)

4)
5) MUR 4953
6

7 **SUBPOENA TO PRODUCE DOCUMENTS**
8 **ORDER TO SUBMIT WRITTEN ANSWERS**
9


10 TO: Robert G. Mills
11 c/o James Bopp, Jr., Esq.
12 Bopp, Coleson & Bostrom
13 1 South 6th Street
14 Terre Haute, IN 47807-3510
15

16 Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the
17 above-captioned matter, the Federal Election Commission hereby orders you to submit written
18 answers to the questions attached to this Order and subpoenas you to produce the documents
19 requested on the attachment to this Subpoena. Legible copies which, where applicable, show
20 both sides of the documents may be substituted for originals.


21 Such answers must be submitted under oath and must be forwarded to the Office of the
22 General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463,
23 along with the requested documents within 30 days of receipt of this Order and Subpoena.

1 WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand
2 in Washington, D.C. on this *16th* day of *June*, 2003.

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5 For the Commission,
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9 
10 Bradley A. Smith
11 Vice Chairman
12

13 ATTEST:

14
15
16 
17 Mary W. Dove
18 Mary W. Dove
19 Secretary to the Commission
20

21 Attachments:
22 Instructions and Definitions
23 Questions and Document Requests
24

INSTRUCTIONS

In answering this Subpoena to Produce Documents and Order to Submit Written Answers, furnish all documents and other information, however obtained, including hearsay, that is in your possession, custody or control.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary, or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1999 through January 1, 2000.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named person to whom these discovery requests are addressed, including all employees, whether paid or unpaid; agents; co-workers; volunteers; subordinates; staff; or attorneys thereof. References to persons "working for or voluntarily assisting you" refer to any person performing any services on your behalf or at your direction, whether paid or unpaid, including, but not limited to any persons employed by you under a personal services contract.

1 The "National Republican Congressional Committee" ("NRCC") shall mean the political
2 committee of that name, including, its federal accounts (FEC ID numbers C00075820 and
3 C00002931); its non-federal accounts, its officers and staff, whether paid or unpaid; board
4 members; agents; representatives; volunteers; and attorneys thereof.
5

6 The "U.S. Family Network" ("USFN") shall mean all officers; board members; staff,
7 whether paid or unpaid; agents; volunteers and attorneys thereof.
8

9 "Americans for Economic Growth" ("AEG") shall mean all officers; board members;
10 staff, whether paid or unpaid; agents; volunteers and attorneys thereof.
11

12 "Persons" shall be deemed to include both singular and plural, and shall mean any natural
13 person, partnership, committee, association, corporation, or any other type of organization or
14 entity.
15

16 "Document" shall mean the original and all non-identical copies, including drafts, of all
17 papers and records of every type in your possession, custody or control, or known by you to
18 exist. The term document includes, but is not limited to books, letters, e-mails, contracts, notes,
19 diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting
20 statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes,
21 pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio
22 and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs,
23 and all other writings and other data compilations from which information can be obtained. The
24 term documents also includes electronic copies and all temporary and permanent storage devices
25 under your control, including but not limited to, hard drives, servers, cd roms, discs, jazz discs,
26 zip discs, tape storage and tape back-up systems, cd and optical back-up systems, electronic logs,
27 e-mail and e-mail back-up systems. If a document is maintained on or in a magnetic or
28 electronic medium (for example, but not limited to, computer tape, diskette, or CD-ROM),
29 provide both "hard" (i.e., paper) and "soft" (i.e., in the magnetic or electronic medium) copies,
30 including drafts, and identify the name (e.g., WordPerfect, Microsoft Word for Windows, Pro
31 Write, etc.) and version numbers by which the documents will be most easily retrieved
32

33 "Identify" with respect to a document shall mean state the nature or type of document
34 (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document
35 was prepared, the title of the document, the general subject matter of the document, the location
36 of the document, the number of pages comprising the document, the author of the document, and
37 all recipients of the document (including all persons, other than the primary recipient of the
38 document, who received copies).
39

40 "Identify" with respect to a person shall mean state the full name, the most recent
41 business and residential addresses, most recent telephone and facsimile numbers, including any
42 extension numbers, the present occupation or position of such person, and the nature of the
43 connection or association that person has to any party in this proceeding.
44

1 If the person to be identified is not a natural person, provide the legal and trade names,
2 the address and telephone number, and the full names of both the chief executive officer or its
3 equivalent and the agent designated to receive service of process for such person.

4
5 "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to
6 bring within the scope of these interrogatories and request for the production of documents any
7 documents and materials which may otherwise be construed to be out of their scope.
8

QUESTIONS AND DOCUMENT REQUESTS

1. State all positions, paid and unpaid, held by you at the USFN. For each position listed, state your duties and responsibilities, the time period you held such position, and identify to whom you reported, and who reported to you.

2. For the relevant time period, please provide your office address and office telephone, office facsimile, and cellular telephone numbers.

3. State whether the USFN was the recipient of any funds from the NRCC in 1999. If the answer is in the affirmative:

a. State the exact amount of money received and the date(s) on which said funds were received;

b. Identify the person(s) who solicited or requested the donation or transfer of funds from the NRCC to the USFN and state the date(s) on which such solicitations or requests were made;

c. Identify the person(s) at the NRCC with whom each such solicitation(s) or request(s) was made;

d. Identify the person(s) at the NRCC who considered, approved or rejected such solicitation(s) or request(s).

4. Produce any and all documents that reflect, refer to or relate to:

a. The transfer or donation by the NRCC of non-federal funds to the USFN on or about October 1999, including but not limited to, any and all documents that reflect, refer to or relate to any solicitation(s) or request(s) made by the USFN for the transfer or donation, consideration by the NRCC to approve or reject the solicitation(s) or request(s), the transfer or donation of the non-federal funds, and information regarding the intended or possible use(s) of the non-federal funds, or any portion thereof, including but not limited to whether some of the funds would be transferred to AEG or another organization for the purpose of running advertisements or other communications to the general public;

b. Advertisements or other public communications to the general public to be sponsored by AEG starting in the fall of 1999 concerning or referring to the issue of Social Security or the Social Security Trust Fund including but not limited to the advertisements and public communications themselves, or drafts thereof, and;

c. Communications between, among or involving the NRCC, the USFN and AEG concerning: the advertisements or other public communications sponsored by the NRCC and AEG referenced in Questions 4b. above; the USFN's solicitation(s) or request(s) for funds; the NRCC's consideration of whether to approve or reject the transfer or donation of the non-federal funds; and the intended use(s) of the all or a portion of the non-federal funds, including but not

1 limited to transferring them to AEG or another organization for the purpose of running
2 advertisements or other communications to the general public, as referenced in Question 4b
3 above.

4
5 5. State whether the USFN transferred funds to AEG during 1999. If the answer is
6 in the affirmative:

7
8 a. State the amount of the funds transferred and the date(s) on which the transfer
9 took place;

10
11 b. Identify the person(s) at the USFN who approved the transfer;

12
13 c. Produce any and all documents that reflect, refer to or relate to the transfer of
14 funds to AEG during 1999, including but not limited to, any documents that relate to
15 communications regarding the transfer.

16
17 6. Describe the USFN's document retention and destruction policies during the
18 relevant time period and identify the person(s) responsible for ensuring that these policies were
19 followed. If such policies are reflected in documents, produce the documents.

20
21 7. Produce all calendars that reflect, refer to, or relate to your business activities
22 during the relevant time period as they concern the NRCC, the USFN, the receipt of funds from
23 the NRCC and the transfer of funds to AEG.